

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
CMG HOLDINGS GROUP, INC., as successor to :
XA THE EXPERIENTIAL AGENCY, INC., :

Civil Action No.: 15-cv-05814-JPO

Plaintiff,

vs.

JOSEPH WAGNER, HUDSON GRAY LLC,
DARREN ANDERECK, JESSIE LOMMA,
MICHAEL DAY, JEAN WILSON, ESTELLE
PIZZO, STUDIO AG, LLC, REMIGIO GUDIN,
and MIXED COMPANY, INC.,

: **DECLARATION OF JOSEPH**
: **WAGNER IN SUPPORT OF**
: **DEFENDANTS' MOTION TO**
: **DISMISS PLAINTIFF'S**
: **AMENDED COMPLAINT**

Defendants.

----- X
JOSEPH WAGNER, JEFFREY SMITH, DARREN :
ANDERECK, and JESSIE LOMMA, :

Third-Party Plaintiffs,

vs.

GLENN LAKEN and ALEXIS LAKEN,

Third-Party Defendants. :
----- X

JOSEPH WAGNER, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a defendant herein and am the Chief Executive Officer of defendant HudsonGray, Inc. I am fully familiar with the facts and circumstances set forth below.

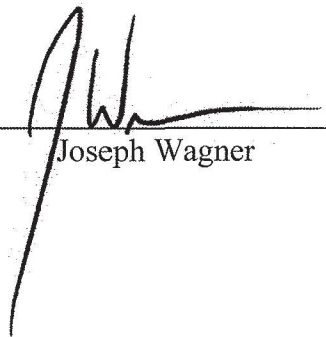
2. I submit this Declaration in support of Defendants' motion to dismiss the First Amended Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6).

The Nature of the Experiential Marketing Industry

3. Experiential marketing campaigns are often awarded after a formal bidding process, or at the very least after a presentation is made outlining the agency's ideas for the campaign. The simple fact that a particular agency has handled an event in the past does not mean it will continue to do so in perpetuity. In fact, we are occasionally passed over for project with existing clients in favor of other agencies.

WHEREFORE, I respectfully request that this Court grant Defendants' motion to dismiss the First Amended Complaint.

Executed on August 7, 2015.



Joseph Wagner